

REMARKS

Applicants thank the Examiner for the thorough consideration given the present application.

Claims 34-43 and 47-68, 70-73 and 75-87 are pending. Claims 84 and 86 are independent.

Claims 34-40, 43, 47, 48, 50, 59, 63-66, 70, 73 and 75-84 are amended. Claims 33, 44-46 and 69 are canceled and claims 85-87 are added. Reconsideration of the application, as amended is respectfully requested.

Rejection Under 35 U.S.C. § 112, 1st Paragraph

It is first noted that Applicants have previously referred to disclosure by page and line number of the published PCT application. In this response, Applicants refer to the version used by the Examiner. If there are any discrepancies between what Applicant refers to in the disclosure and what the Examiner has in the specification, the Examiner is urged to contact the undersigned to resolve such discrepancies.

The Examiner rejected claim 32 for the wording of the at least one conductive member disposed in the microchannel or forming at least a part of a wall of the microchannel. Claim 32 has been canceled and replaced with new claim 85. This claim utilizes language found in original claim 1. The claim now recites an electrical connection means for application of an electric field across a segment of the microchannel. The claim also states that the segment comprises conducting means, wording that is found in original claim 1.

The Examiner also objected to the wording regarding the electric field having a component parallel and perpendicular to a surface of the conductive member. Support for this can be found on page 20, lines 2-6 and in Figure 21, described on page 9, lines 16-19. This wording is also found in original claim 1.

The term "specific geometric shape" has been replaced in claim 85 with "a surface portion of said conducting means is curved, or inclined, with respect to the electrical field" used in original claim 1, the curved or inclined surface disclosed at page 20, lines 4-10. Claim 85 further recites that "whereby, in use, the electric field has a component tangential to the surface

portion and a component normal to the surface portion, such that fluid flow is induced in said microchannel segment under the action of secondary electroosmosis.”

The Examiner finds no basis for the perm selective ion conducting material but such disclosure is found at page 19, lines 4-5 and original claim 4.

The Examiner objected to claims 34-43 and 47-68 as depending from claim 32. As noted above, claim 32 has been replaced by claim 85 and the dependent claims have been amended accordingly. Likewise, independent claim 86, which has replaced independent claim 69, uses similar terms as used in claim 85.

The disclosure in claim 74 regarding the dimensions of the conductive means is found at page 15, lines 15-16 si it is believed no rejection is raised for this claim.

The Examiner also correctly notes the basis for claim 78 is found at page 15, lines 9-11 but asserts the disclosure is incompatible with the disclosure of the conductive member comprising a perm selective ion conducting material. In view of the above discussion regarding the perm selective ion conducting material, it is believed the rejection is overcome. The disclosure of a perm selective ion conducting material is general and can be applied to any embodiment. Also, the conducting means having a surface with an angle between 30-60 degrees to the direction of the electric field is a general disclosure found at page 14, lines 20-25 and it is believed there is no inconsistency in the claims.

The rejection of claims 75-84 were based on their dependence on claim 74 so it is believed these rejections have been addressed and overcome.

Rejections Under 35 U.S.C. § 101 and § 112, 2nd Paragraph

Claim 83 stands rejected under 35 U.S.C. § 101 and § 112, 2nd Paragraph. These rejections are respectfully traversed.

The Examiner rejects claim 83 as a method claim not containing any method steps.

While claim 83 does contain method steps by incorporating the subject matter of the claim s from which it depends, Applicants have amended claim 83 to correct the deficiency specifically pointed out by the Examiner. Applicants respectfully submit that the claim, as amended, particularly point out and distinctly claim the subject matter which Applicants regard

as the invention and is in compliance with 35 U.S.C. § 101. Accordingly, reconsideration and withdrawal of these rejections are respectfully requested.

Conclusion

In view of the above amendments, it is believed that the pending application in condition for allowance. Applicants respectfully request that the pending application be allowed.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Chris McDonald, Registration No. 41,533 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§ 1.16 or 1.147; particularly, extension of time fees.

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Respectfully submitted,

By 

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